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Notice of Allowability

Application No.

10/672,058

Examiner

Zachary M. Pape

Applicant(s)

HOEGENER ET AL.

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/20/2005.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☒ The drawings filed on 26 September 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>4/20/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material. | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Response to Amendment

1. The following office action is in response to the correspondence filed by applicant on 4/20/2005.

The examiner has withdrawn the objection to claims 1, 3, and 6 as the applicant has revised the claims as advised by the examiner in the previous office action.

Similarly the examiner has withdrawn the objection to the drawings since the specification has been properly amended as advised by the examiner in the previous office action

Allowable Subject Matter

2. Claims 1-19 are allowed.

The following is an examiner's statement of reasons for allowance:

The allowability resides in the overall structure of the device as recited in independent claim 1 and at least in part because claim 1 recites, "the at least one fastening portion including at least one fastening element configured to mount the first module on the mounting panel".

The aforementioned limitations in combination with all remaining limitations of claim 1 are believed to render said claim 1 and all claims dependent therefrom patentable over the art of record.

The closest reference to the present invention is believed to be Ooka et al. (US 5,784,253). With respect to claim 1, Ooka et al. teaches the use of a modular electrical

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device combination comprising: a first module (generally 51) in a housing (as defined by the periphery walls and outer surfaces including 91, 92, 75, 52, 73, 52, 79 etc.), and a second module (1), wherein the first module includes, an indicating device (407a – 407c) and an actuating device (406), at least one fastening portion (as defined by element #'s 268, 265a, 200, 264, 265b) disposed on a rear side of the first module (generally 51), the at least one fastening portion being configured to extend through a corresponding mounting opening (114, 113) in a mounting panel (92). Ooka et al. fails to specifically teach that the at least one fastening portion including at least one fastening element (205) is configured to mount the first module (generally 51) on the mounting panel (92). As indicated by the applicant, Fig 11 of Ooka et al. shows that the first module (51) is not mounted to the mounting panel (92), rather the first module (51) comprises the mounting panel (92). Therefore claim Ooka et al. fails to properly anticipate independent claim 1 of the applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

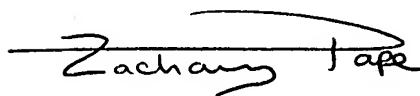
3. Applicant's arguments, see page 8, filed 4/20/2005, with respect to claim 1 have been fully considered and are persuasive. The rejection of claim 1 has been withdrawn.

Conclusion

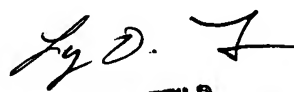
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zachary M. Pape whose telephone number is 571-272-2201. The examiner can normally be reached on Mon. - Thur. & every other Fri. (8:00am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached at 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ZMP



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